

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:06CV255-1-MU

JACK MOORE, )  
 )  
 Petitioner, )  
 )  
 v. )  
 )  
 SIDNEY HARKLEROAD, )  
 )  
 Respondent. )  
 \_\_\_\_\_ )

**ORDER**

**THIS MATTER** comes before the Court upon Petitioner's Motion for Reconsideration, Petitioner's Motion for Clarification, and Petitioner's Motion for Summary Judgment, all filed February 5, 2007.

On August 22, 2006, Petitioner filed a federal habeas petition pursuant to 28 U.S.C. § 2254 with this Court. On January 17, 2007, this Court dismissed Petitioner's petition without prejudice for failure to exhaust his state court remedies.

Petitioner has now filed motions asking the Court to reconsider and to clarify its January 17<sup>th</sup> order. After reviewing the case file and the January 17<sup>th</sup> Order, this Court denies Petitioner's Motion to Reconsider and Motion to Clarify. The January 17<sup>th</sup> Order clearly states this Court's finding that Petitioner's petition was unexhausted and the factual basis for this finding. Likewise, this Court denies, Petitioner's Motion for Summary Judgment as this case is already closed.

**THEREFORE, IT IS HEREBY ORDERED** that;

1. Petitioner's Motion for Reconsideration is **DENIED**;
2. Petitioner's Motion for Clarification is **DENIED**; and
3. Petitioner's Motion for Summary Judgment is **DENIED**.

Signed: April 3, 2007

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

